FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.3366 OF 2004
WITH
CRIMINAL REVN. APPLN. NO. 323 OF 2004.

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Order

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATE : 16/08/2004.

1. These are proceedings by the husband to challenge the order dated 1st January 2004. The impugned order reads as under:

"1) Petition stands allowed.
2) The maintenance allowance granted in PE No.436/1990 and finally enhanced in PE No.817/2000 stands annulled from the date of this order with no order as to costs."

This order is in conformity with the power conferred on the learned Court under

Section 127 of the Criminal Procedure Code.

3. The grievance of the learned counsel is that in earlier part of the order, the learned Judge has observed that the petitioner is under legal obligation to clear the arrears due on him. It is an observation by the Court considering that there are earlier orders which have not been interfered with and are subsisting. The grievance further is that the respondent-wife obtained the order for enhancement by playing fraud on the Court. If that be the case, it would be open to the petitioner, if so advised, to initiate appropriate proceedings. As long as the earlier order stands, they are bound to be complied with subject to any order that the petitioner may obtain in proceedings that he may initiate against the earlier orders on whatsoever ground that is available to him.

4. Considering this, we are not

inclined to condone the delay for the reasons set out in the earlier part of the order. In the light of that Criminal Application as also Criminal Revision Application are both disposed of.

5. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]